IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6289 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE SHARAD D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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Versus

D.S.P

Appearance:

1. Special Civil Application No. 6289 of 1989

MR ANANT S DAVE for Petitioner No. 1

NOTICE SERVED for Respondent No. 1-3

MR RC KODEKAR, AGP for Respondent No. 4

CORAM : MR.JUSTICE SHARAD D.DAVE

Date of decision: 27/09/2001

ORAL JUDGEMENT

#. The petitioner has challenged the order of the District Superintendent of Police, inflicting punishment of stoppage of two increments with future effect.

#. The petitioner, by filing this petition, has prayed that the respondent Authority and the Departmental Promotion Committee shall not consider the order under challenge which is at Annexure-'B' and to give him further promotion to the post of Police Inspector.

#. The said order of the respondent is on record at Annexure-'B'. Pending the petition the Court was pleased to grant interim relief in favour of the petitioner. Thereafter, the present petitioner was also promoted to the post of Police Inspector.

#. At the time of hearing of this petition, Shri RC Kodekar, learned AGP for the State has made statement that the petitioner is at liberty to represent his case of promotion before the competent Authority.

#. It is the grievance of the petitioner that though he was entitled for promotion as Police Inspector from 1989 onwards, he had been promoted only in the year 1992. Therefore, it is urged that while making representation before the competent Authority, the competent Authority shall consider his case for regular promotion, if he is otherwise eligible for the said promotion, without prejudice to the filing of the present petition and without taking into consideration the punishment inflicted by the respondent vide impugned order (Annexure-'B' dated 15-7-1989).

#. The petitioner is directed to make representation before the competent Authority for his regular promotion as Police Inspector from 1989 onwards within two weeks from today, with a liberty to approach this Court again, in case of difficulty. The respondent Authority is directed to decide the representation of the petitioner within a period of six weeks from the date of receipt of the representation from the petitioner.

#. With the above directions, the present petition is disposed of. Rule is discharged with no order as to costs.

September 27, 2001. (Sharad D. Dave, J.)

/sakkaf